

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES,

Plaintiff,

v.

Case No. 07-cr-20132

DUJUAN THOMAS

Defendant.

**ORDER DENYING DEFENDANT'S REQUESTS FOR
CLARIFICATION OF THE SENTENCE**

Defendant Dajuan Thomas pleaded guilty to one count of importation of 3,4-methylenedioxymethamphetamine (MDMA) (Ecstasy), in violation of 21 U.S.C. § 952, on July 17, 2007. On October 29, 2009 and January 5, 2010, Defendant filed requests for clarification of his sentence. Defendant contends “[t]here is a discrepancy between the sentence orally pronounced by the Court and the Judgment and Commitment.” (10/29/09 Request.) Specifically, Defendant states, “I was sentence[d] by Judge Robert H. Cleland to 41 months [and] when I get to Prison it says 46 months.” (1/5/10 Request.)

Defendant's requests are based on a faulty factual premise because there is no discrepancy between the oral sentence imposed and the sentence pronounced in the judgment. Defendant is incorrect when he asserts that the court orally sentenced him to 41 months. At the sentencing, the court ordered, “Pursuant to the Sentencing Reform Act of 1984, considering the circumstances as I've just outlined in Title 18, Section 3553(a), the defendant, Dajuan Thomas, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of 46 months.” (11/15/07 Tr. at 7.) This

sentence is consistent with the judgment, which states, "The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **46 months.**" (11/26/07 Judgment at 2 (emphasis in original).) Accordingly, it is clear that Defendant has been sentenced to a term of imprisonment of 46 months and his assertion that there is a discrepancy is unfounded. Defendant's sentence requires no clarification, and therefore

IT IS ORDERED that Defendant's requests for clarification of the sentence [Dkt. ## 20, 21] are DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: February 19, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, February 19, 2010, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522